



NEWS YOU CAN USE

Week Ending December 11, 2020

SECORD LAKE ASSOCIATION

www.secordlakeassociation.org

There have been significant milestones over the past week regarding Secord dam. The objective of this is to provide an update of the key events with a link where you can read more if you would like. We will start with two events of interest to the overall lake system and then focus on a series of communications between the FLTF and FERC pertaining to Secord dam.

December 7, 2020

Bankruptcy Court Ruling Enables Condemnation to Proceed

The Boyce-FLTF settlement motion with both parties agreeing on the terms of condemnation was granted in bankruptcy court.

“Gladwin and Midland Counties made a brave decision after May 19, 2020, under their authority to take the Boyce properties,” said Dave Kepler, FLTF chair. “This is an important step for our lake communities to gain control of our future. We have a lot of work ahead of us as we take over operations, recover, and develop an affordable path forward to rebuild our lakes but with the community’s support, we are ready for the task.”

An Operations Transition Team will manage the safe transfer of assets of the Secord, Smallwood, Edenville and Sanford dams from Boyce Hydro to FLTF. The transfer of property is expected within the next few weeks.

Read the full press release: [Bankruptcy Court Ruling Enables Condemnation to Proceed | Operations Transition Team Announced – FOUR LAKES TASK FORCE \(four-lakes-taskforce-mi.com\)](#)

December 9, 2020

FERC Directs Boyce Hydro to Show Cause Why It Should Not be Assessed a Civil Penalty of \$15 million for Violations

The 17-page FERC ORDER TO SHOW CAUSE AND NOTICE OF PROPOSED PENALTY contains the following in the opening paragraphs (this is summarized, you can read the entire document at the link below):

1) Commission finds that Boyce Hydro Power, LLC, licensee for the Secord, Smallwood, and Sanford Projects violated numerous FERC staff orders and license provisions addressing safety of project facilities and surrounding communities.

More specifically, following catastrophic failures of two of its dams, Boyce Hydro failed to begin a required forensic study of the dam failures and ignored staff’s orders to conduct engineering safety studies and to file certain required reports to ensure homes and other buildings surrounding the Boyce Projects were not at risk of further damage.

Accordingly, the Commission directs Boyce Hydro to show cause why it should not be assessed a civil penalty of \$15 million for violation of Standard Article 4 of the Boyce Projects’ licenses, section 12.4(b) of the Commission’s regulations,² and section 31(a) of the Federal Power Act (FPA).

2) The Commission directs Respondent to file an answer with the Commission within 30 days of the date of this order. Office of Enforcement staff (Enforcement staff) may reply to Respondent’s answer within 30 days of the filing of the answer.

3) Boyce Hydro’s disregard of FERC staff’s dam safety orders put the safety of the communities surrounding its projects at risk. While the Commission proposes to penalize Boyce Hydro in this proceeding, it will not compound the harm to those communities. Accordingly, the Commission will take steps to ensure that any penalty assessed against Boyce Hydro does not threaten recovery by community members who were harmed by the dam breaches and floods.

Read the full [ORDER TO SHOW CAUSE AND NOTICE OF PROPOSED PENALTY](#)



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SECORD SPECIFIC ISSUES:

The FLTF shared the following key objectives this past September for the balance of this year:

- Keep legal lake levels under existing condition of the four dams.
- Manage bottomlands, dams, and property boundaries.
- **Investigate options to restore the water levels for Smallwood and Secord lakes to safely bring them back to “normal” lake levels.**
- Continue to make safety a top priority for residents and the community.

There is a series of documents prepared by the FLTF to address the issue of Secord dam and the goal to bring it back to “normal” lake level safely. This work started before the announcement the counties acquired the dam.

November 5, 2020

FLTF submits a detailed report to FERC to outline the engineering inspections and repairs planned for both Secord and Smallwood dams. This 5-page letter is interesting reading as it explains the detail and complexity of these engineering projects/repairs.

The report addresses the following areas: Upstream submerged structures; Downstream submerged structures (both with dive teams); Design and conduct concrete repairs to address issues found during post flood inspections; Re-establish Tailrace Erosion Control Measures; Perform Interior Spillway Gallery Inspections; Operation Improvements to Tainter Gates, Hoists and Spillway Bays; Re-establish Station Electrical, Communications, Instrumentation and Utilities; Perform Dam Safety and Reporting.

The FLTF engineering team goes into more detail about the process they will use to conduct the concrete repairs. The letter indicates a detailed engineering report with the specific plan will be submitted separately.

Read the full 5-page letter: [Interim Measures for Risk Reduction and Winter Operations](#)

November 19, 2020

On behalf of FLTF. GEI Consultants, Inc. submits the drawings showing interim measures to improve dam safety and high flow protection at Secord and Smallwood Dams under P-10809. This detailed engineering report is covered by CEII (Critical Electrical Infrastructure Information) by FERC and is not available to the public.

November 25, 2020

FERC issues a letter to Boyce Hydro (as the owner of the dams) indicating they (FERC) are in receipt of the FLTF letters / plans submitted November 5th. FERC goes on to write, “We are also in receipt of plans dated November 18, 2020 that were developed by GEI for “EGLE Permit Submittal” detailing proposed repairs to provide immediate stabilization to mitigate dam safety risks during winter operations, spring runoff and future high flow events.”

The letter instructs Boyce “any significant modifications of the planned FLTF repairs to the Boyce projects should be submitted to FERC as soon as possible.”



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FERC reminds Boyce Hydro of the need for specific repairs communicated on July 15th; July 21st and August 18th. The letter copies both FLTF and EGLE so all parties understand the required repairs, expectations and suggestions to the plan outlined by FERC.

December 7, 2020

GEI Consultants of Michigan, on behalf of the FLTF provides written response to FERC from their suggestions and questions regarding the plan mentioned above. The letter takes the specific question or guidance issued by FERC and provides a more detailed response. For Secord, there are 3 specific areas discussed (for Smallwood, 2 areas).

Read this material in full along with the FERC letter from November 25th: [Voluntary Response to 11/25/20 FERC Comments](#)

While News You Can Use publications provide a summary, you can read the documents mentioned and others by visiting: [FERC eLibrary](#). In the keyword search, you can type in either Secord or Boyce Hydro to gain access to documents.

SUMMARY

The FLTF is made up of volunteers from the 2 counties and 4 lakes.

In September, the FLTF outlined 4 key initiatives for the balance of 2020. In November, before taking ownership of the dams, detailed engineering plans were created and submitted to FERC to address key areas required to provide immediate stabilization to mitigate dam safety risks during winter operations, spring runoff and future high flow events. In addition, FLTF created and submitted plans for engineering inspections and repairs for both Secord and Smallwood dams.

With the Boyce-FLTF settlement motion on the terms of condemnation being granted in bankruptcy court, this proactive approach and planning by the FLTF engineering team will allow progress to move forward. While there is still a lot of work to do, and many questions to be answered, the transfer of ownership to the counties of Gladwin and Midland provides the opportunity for the lake communities to take control of our future.

You can also visit these websites:

Four Lakes Task Force at <https://www.four-lakes-taskforce-mi.com/about.html>

and

Secord Lake Association at www.secordlakeassociation.org

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